

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

NATHANIEL GARDNER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CV-08-1248 VRW
)	
)	
THE UNITED STATES DEPARTMENT OF)	
JUSTICE; THE DRUG ENFORCEMENT)	
ADMINISTRATION; and THE PERSON(S),)	
CURRENTLY ON RECORD TITLE TO 1955)	
FORD THUNDERBIRD, VIN: P5FH235863)	
)	
Defendants.)	
)	

DECLARATION OF JOHN HIERONYMUS

1. I, John Hieronymus, hereby declare that I am the Forfeiture Counsel of the Drug Enforcement Administration (DEA), United States Department of Justice, and in that capacity supervise forfeiture activities within the DEA.

2. I affirm that, in the course of my official duties as Forfeiture Counsel of the DEA, I supervise and monitor the forfeiture activities of DEA field offices and receive reports and inquiries from those field offices regarding all facets of forfeiture matters.

3. I declare that material related to the property, which is the subject matter of the above-captioned action, is contained in two (2) files of my office.

4. The file, captioned as DEA Case No. **R3-05-0037** and Asset Identification (I.D.) No. **05-DEA-456249**, contains the following information:

(a) DEA Asset I.D. No. **05-DEA-456249** represents a 1955 Ford Thunderbird seized from Nathaniel Willie Gardner AKA Nathan Willie Gardner on August 9, 2005, in East Palo Alto, California pursuant to the execution of a Federal Search Warrant. The DEA field office in San Francisco, California subsequently prepared and submitted a forfeiture report to this office. An attorney or paralegal reviewed this report to determine if the DEA field office provided adequate information to support administrative forfeiture proceedings against the property. This procedure included a legal review of the evidence that existed to seize the 1955 Ford Thunderbird. Based on this thorough review, the DEA accepted this case for administrative forfeiture.

(b) On September 13, 2005, pursuant to Title 19, United States Code (U.S.C.), Section 1607(a) and Title 18, U.S.C., Section 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Nathaniel Willie Gardner aka Nathan Willie Gardner, 1396 Camellia Dr, East Palo Alto, CA 94303-2631 (Exhibit 1). After three delivery attempts, the U.S. Postal Service returned the notice to DEA stamped "RETURNED TO SENDER. UNCLAIMED" (Exhibit 2).

(c) Pursuant to Title 19, U.S.C., Section 1607(a) and Title 21, Code of Federal Regulations (C.F.R.), Section 1316.75, the seizure of the property was published in THE WALL STREET JOURNAL, a newspaper of general circulation in the Northern District of California (Exhibit 3). The notice was published once each week for three successive weeks: September 26, and October 3 and 10, 2005. The published and mailed notices explained the option of filing a claim with the DEA Forfeiture Counsel in order to contest the forfeiture action in United States District Court. Pursuant to Title 18, U.S.C., Section 983(a)(2)(B), the published and mailed notices also stated that the deadline to file a claim was October 18, 2005, or if the mailed notice was not received, November 9, 2005. In addition, the published and mailed notices explained the option of filing a petition for remission or mitigation.

(d) On October 20, 2005, personnel at DEA Headquarters requested that personnel at the DEA San Francisco Field Office confirm the address of Nathaniel Willie Gardner as written on the notice of seizure letter. On October 24, 2005, personnel at the DEA San Francisco Field Office confirmed the address as correct and as the only known address for Nathaniel Willie Gardner.

(e) On March 3, 2006, after not having received any properly executed claim, and after the time limit for filing said claim expired, the DEA forfeited the 1955 Ford Thunderbird to the United States pursuant to Title 19, U.S.C., Section 1609 (Exhibit 4).

(f) On October 5, 2006, the DEA received a letter from Joseph D. O'Sullivan, Attorney for Nathan Gardner, seeking the return of the 1955 Ford Thunderbird (Exhibit 5).

(g) On October 19, 2006, the DEA sent a letter by certified mail, return receipt requested, to Joseph D. O'Sullivan, Attorney at Law, 1500 20th Street, San Francisco, CA 94107, returning his letter of September 15, 2006, along with a copy of the notice of seizure letter sent to Nathaniel Willie Gardner. This letter also informed Mr. O'Sullivan that the time period to file a claim and petition for remission for the property had expired (Exhibit 6). An individual signing in the "Signature" block accepted delivery of this letter (Exhibit 7).

(h) On November 19, 2007, the DEA received a letter from Walter C. Cook, Esq., attorney for Nathaniel Gardner, requesting certain documents from the DEA regarding the seizure of the 1955 Ford Thunderbird (Exhibit 8).

(i) On December 27, 2007, the DEA sent a letter by certified mail, return receipt requested, to Joseph D. O'Sullivan, Attorney at Law, 1500 20th Street, San Francisco, CA 94107, returning Exhibit 9 and informing him that requests for documentation must comply with Freedom of Information Act provisions. DEA invited Mr. O'Sullivan to submit such a request to the Freedom of Information Section of the DEA (Exhibit 9). Attached is U.S. Postal Service Receipt for Certified Mail No. 7007 1490 0002 0375 5491 (Exhibit 10).

5. The file, captioned as DEA Case No. **R3-05-0037** and Asset I.D. No. **05-DEA-456253**, contains the following information:

(a) DEA Asset I.D. No. **05-DEA-456253** represents \$8,500.00 U.S. Currency seized from Nathaniel Willie Gardner AKA Nathan Willie Gardner on August 9, 2005, in East Palo Alto, California pursuant to the execution of a Federal Search Warrant. The DEA field office in San Francisco, California subsequently prepared and submitted a forfeiture report to this office. An attorney or paralegal reviewed this report to determine if the DEA field office provided adequate information to support administrative forfeiture proceedings against the property. This procedure included a legal review of the evidence that existed to seize the \$8,500.00 U.S. Currency. Based on this thorough review, the DEA accepted this case for administrative forfeiture.

(b) On September 13, 2005, pursuant to Title 19, U.S.C., Section 1607(a) and Title 18, U.S.C., Section 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Nathaniel Willie Gardner aka Nathan Willie Gardner, 1396 Camellia Dr, East Palo Alto, CA 94303-2631 (Exhibit 11). After three delivery attempts, the U.S. Postal Service returned the notice to DEA stamped "RETURNED TO SENDER. UNCLAIMED" (Exhibit 12).

(c) Pursuant to Title 19, U.S.C., Section 1607(a) and Title 21, C.F.R., Section 1316.75, the seizure of the property was published in THE WALL STREET JOURNAL, a newspaper of general circulation in the Northern District of California (See Supra

Exhibit 3). The notice was published once each week for three successive weeks: September 26, and October 3 and 10, 2005. The published and mailed notices explained the option of filing a claim with the DEA Forfeiture Counsel in order to contest the forfeiture action in United States District Court. Pursuant to Title 18, U.S.C., Section 983(a)(2)(B), the published and mailed notices also stated that the deadline to file a claim was October 18, 2005, or if the mailed notice was not received, November 9, 2005. In addition, the published and mailed notices explained the option of filing a petition for remission or mitigation.

(d) On October 19, 2005, personnel at DEA Headquarters requested that personnel at the DEA San Francisco Field Office confirm the address of Nathaniel Willie Gardner aka Nathan Willie Gardner as written on the notice of seizure letter. On October 24, 2005, personnel at the DEA San Francisco Field Office confirmed the address as correct and as the only known address for Nathaniel Willie Gardner.

(e) On December 1, 2005, after not having received any properly executed claim, and after the time limit for filing said claim expired, the DEA forfeited the \$8,500.00 U.S. Currency to the United States pursuant to Title 19, U.S.C., Section 1609 (Exhibit 13).

(f) On October 5, 2006, the DEA received a letter from Joseph D. O'Sullivan, Attorney for Nathan Gardner, seeking the return of \$8,340.00 U.S. Currency (See Supra Exhibit 5).

(g) On October 19, 2006, the DEA sent a letter

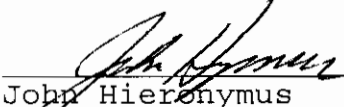
by certified mail, return receipt requested, to Joseph D. O'Sullivan, Attorney at Law, 1500 20th Street, San Francisco, CA 94107, returning his letter of September 15, 2006, along with a copy of the notice of seizure letter sent to Nathaniel Willie Gardner. This letter also informed Mr. O'Sullivan that the time period to file a claim and petition for remission for the property had expired (See Supra Exhibit 6). An individual signing in the "Signature" block accepted delivery of this letter (See Supra Exhibit 7).

(h) On November 19, 2007, the DEA received a letter from Walter C. Cook, Esq., attorney for Nathaniel Gardner, requesting certain documents from the DEA regarding the seizure of the \$8,500.00 U.S. Currency (See Supra Exhibit 8).

(i) On December 27, 2007, the DEA sent a letter by certified mail, return receipt requested, to Joseph D. O'Sullivan, Attorney at Law, 1500 20th Street, San Francisco, CA 94107, returning Exhibit 9 and informing him that requests for documentation must comply with Freedom of Information Act provisions. DEA invited Mr. O'Sullivan to submit such a request to the Freedom of Information Section of the DEA (See Supra Exhibit 9). Attached is U.S. Postal Service Receipt for Certified Mail No. 7007 1490 0002 0375 5491 (See Supra Exhibit 10).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 25th day of April 2008.



John Hieronymus
Forfeiture Counsel
Asset Forfeiture Section (CCF)
Drug Enforcement Administration
HQs Forfeiture Response
P.O. Box 1475
Quantico, VA 22134-1475

Attachments: Exhibits 1-13

**U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

Nathaniel Willie Gardner aka Nathan Willie Gardner
1396 Camellia Dr
East Palo Alto, CA 94303-2631

Asset Id:	05-DEA-456249
Case Number:	R3-05-0037
Property:	1955 Ford Thunderbird
Vehicle ID No:	P5FH235863
Asset Value:	\$20,250.00
Seizure Date:	08/09/05
Seizure Place:	East Palo Alto, CA
Owner Name:	Gardner, Nathaniel Willie
Seized From:	Gardner, Nathaniel Willie Gardner AKA Nathan Willie
Judicial District:	Northern District of California

NOTICE MAILING DATE: September 13, 2005

NOTICE OF SEIZURE

The above-described property was seized by Special Agents of the Drug Enforcement Administration (DEA) for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). The seizure date and place, as well as other pertinent information regarding the property are listed above.

Pursuant to Title 18, U.S.C., Section 983 and Title 19, U.S.C., Sections 1602-1619, procedures to administratively forfeit this property are underway. You may petition the DEA for return of the property or your interest in the property (remission or mitigation), and/or you may contest the seizure and forfeiture of the property in Federal court. **You should review the following procedures very carefully.**

TO REQUEST REMISSION OR MITIGATION OF FORFEITURE

If you want to request the remission (**pardon**) or mitigation of the forfeiture, you must file a petition for remission or mitigation with the Forfeiture Counsel of the DEA within thirty (30) days of your receipt of this notice. The petition must include proof of your

interest in the property and state the facts and circumstances which you believe justify remission or mitigation. The regulations governing the petition process are set forth in Title 28, Code of Federal Regulations, Part 9.

TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfeiture Counsel of the DEA by **October 18, 2005**. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f),

release of the seized property during the pendency of the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the claimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or criminal - even if such a proceeding has already been commenced or is commenced in the future.

WHERE TO FILE CORRESPONDENCE

All submissions must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. **A PETITION, CLAIM, OR OTHER CORRESPONDENCE WILL BE DEEMED FILED WHEN ACTUALLY RECEIVED BY THE DEA ASSET FORFEITURE SECTION IN ARLINGTON, VIRGINIA. SUBMISSIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS WILL NOT BE ACCEPTED.** The Asset Id referenced above should be used with all submissions. Failure to include the Asset ID may cause a delay in processing your submission(s).

EXHIBIT

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1

Forfeiture Counsel
 Asset Forfeiture Section, OMA
 Drug Enforcement Administration
 HQs Forfeiture Response
 P.O. Box 1475
 Quantico, Virginia 22134-1475

RECEIVED SECTION
 2005 OCT 17 AM 11:48

NAME
 1st
 2nd
 Return

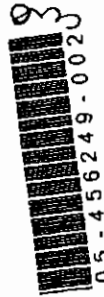
Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631

94303-2631-36

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

Asset ID: 05-10EA-450349
 Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631



2. 7005 0390 0001 6983 0320

PS Form 3811 February 2002

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

837

102585-02-M-1540

CERTIFIED MAIL™



7005 0390 0001 6983 0320

X-RAYED

OCT 14 2005

DEA/QUANTICO

NAME

1st
 2nd
 Return 9-28-05
 10-02-05

94303-2631-36

U.S. Postal ServiceTM

CERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee
 (Endorsement Required)
 Restricted Delivery Fee
 (Endorsement Required)
 Total Postage & Fees \$

Postmark
 Here

Sent To

Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800 June 2002

See Reverse for Instructions

EXHIBIT

2

MONDAY, SEPTEMBER 26, 2005

PUBLIC NOTICES

LEGAL NOTICE
ATTENTION

The Drug Enforcement Administration (DEA), U.S. Department of Justice, gives notice that the property listed below was seized for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was a remission or mitigation of the forfeiture with the Forfeiture Counsel, Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. In addition to, or in lieu of, Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. In addition to, or in lieu of, the Forfeiture Counsel of the DEA pursuant to Title 18, U.S.C., Section 983(a). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f), release of the seized property during the Asset Forfeiture section in Arlington, Virginia. Submission by facsimile or other electronic means will not be accepted. The names of persons or businesses appearing in this notice are not necessarily criminal defendants or suspects, nor

FIRST NOTICE
LAST DATE TO FILE NOVEMBER 09, 2005
PLACE SEIZED, SEIZED FROM, DATE SEIZED

DISTRICT OF ALASKA

05-DEA-455842, \$4,504.00 U.S. Currency, Fairbanks, AK, Simpson, Evan, 08/09/05
05-DEA-455935, 2001 Cadillac Deville, 1G6KD54Y1U149440, Anchorage, AK, Williams, Byron, 08/13/05

NORTHERN DISTRICT OF ALABAMA

05-DEA-456115, \$142,980.00 U.S. Currency, Hoover, AL, Davila, Irma Leoria, 08/19/05

EASTERN DISTRICT OF ARKANSAS

05-DEA-448461, \$700.00 U.S. Currency, Little Rock, AR, Hyman, Michael, 02/16/05
05-DEA-448473, \$200.00 U.S. Currency, Little Rock, AR, Hyman, Michael, 02/16/05

DISTRICT OF ARIZONA

04-DEA-431418, 2000 Kenworth T2000 Tractor, Ser No 1KX7D0003YJ842075 with 1991 Refrigerated Trailer, license M89887, Ser No 1UYV52482MU552529, Nogales, AZ, Mercado, Jesus Manuel, 01/22/04

05-DEA-455496, Bank of America, Account #004655792824, VL: \$13,405.44, Phoenix, AZ, Farrer, Walter Charles, 08/03/05

05-DEA-455775, \$384,045.00 U.S. Currency, Mohave County, AZ, Mercado, Rafael Nava, 08/07/05

05-DEA-455816, (4) Assorted Weapons, VL: \$402.00, (1) Browning Hi-Power 9mm Handgun, Ser No 01687471, (2) Rifle with missing stock, Ser No 01687471, (1) Disassembled revolver, Ser No 0284471, (2) 22 Chumuck Rifle, Ser No 4416077, Arica, AZ, Piel, Robert John and Willford, Leslie Anne, 07/28/05

05-DEA-455864, North American Arms Deminger 22 Magnum Revolver, Ser No 095441, VL: \$110.00, Arica, AZ, Piel, Robert John and Willford, Leslie Anne, 08/04/05

05-DEA-456049, \$13,250.00 U.S. Currency, (4) 1911 Colt, Ser No 0811208

05-DEA-456137, 1999 Lincoln Navigator, SLMPU28A0XL129575, Antioch, CA, Menflee, Duane Paul, 08/10/05

05-DEA-456249, 1955 Ford Thunderbird, PSF1235863, East Palo Alto, CA, Gardner, Nathaniel Willie AKA Gardner, Nathan Willie 08/09/05

05-DEA-456253, \$8,500.00 U.S. Currency, East Palo Alto, CA, Gardner, Nathaniel Willie AKA Gardner, Nathan Willie, 08/09/05

05-DEA-456286, 1994 Acura Integra LS, JH4D07556R000537, Redwood City, CA, Colunga-Guzman, Oscar, 08/15/05

05-DEA-456317, 1999 Chevy Silverado, 2GCEC19V2X122246, Redwood City, CA, Reyes, Armando C., 08/15/05

05-DEA-456348, \$1,460.00 U.S. Currency, San Jose, CA, Mai, Dennis, 07/27/05

05-DEA-456356, \$1,680.00 U.S. Currency, San Jose, CA, Ban, Ye Tuen, 07/27/05

05-DEA-456523, \$470.00 U.S. Currency, Chula Vista, CA, Colon, Daniel Fernandez, 08/17/05

05-DEA-456526, \$4,022.00 U.S. Currency, San Diego, CA, Rivera, Maria De Jesus, 08/17/05

05-DEA-456592, \$2,797.00 U.S. Currency, San Diego, CA, Ramirez-Peredo, Pablo, 08/17/05

05-DEA-456593, \$3,300.00 U.S. Currency, San Diego, CA, Vergara, Francisco, 08/18/05

05-DEA-456594, \$10,000.00 U.S. Currency, San Diego, CA, Carmichael, Lorena, 08/18/05

05-DEA-456122, KIA 35KW45 Generator with Trailer, Ser No 72027771, San Diego, CA, Mahon, Ian Michael, 08/15/05

05-DEA-455860, 1995 Jeep Grand Cherokee, 1J4G758Y8SC594825, Denver, CO, Sarmiento-Gonzalez, Samuel David, 08/10/05

05-DEA-455994, \$5,960.00 U.S. Currency, Denver, CO, Bartley, Cameron and Pywell, Monica, 08/18/05

05-DEA-456232, \$2,500.00 U.S. Currency, Bridgeport, CT, Reyes-Almonte, Wilson AKA Torres-Matos, Luis, 08/18/05

05-DEA-456235, \$72,141.00 U.S. Currency, Waterbury, CT, Gonzalez, Alejandro, 08/16/05

05-DEA-455741, Assorted Electronic Equipment, VL: \$8,300.00, Ser No N/A, (1) HP Pavilion Model A635W, Ser No MXM4300R1 (1) AKG Microphone Model 200, Ser No MS112BK, (1) Korg Keyboard Model Triton LE, Ser No 045339, (1) Focus Rifle Model TKA Master Pro, Ser No TMP00664, (1) DBX Compressor-Gate Model 266XL, Ser No 00012875, (1) Ferman Linea Filter Model PL8, Ser No 011373002536, (1) Behringer Digital Processor Model DDC, Ser No

Chicago, IL, Ruanova, Giovanni, 08/18/04
05-DEA-455761, \$24,140.00 U.S. Currency, Chicago, IL, Harrison, Todd, 07/29/05
05-DEA-455776, 2000 Jeep Grand Cherokee, 1J4GW58N8Y192217, Cicero, IL, Lopez, Jose G., 07/12/05

05-DEA-455792, \$3,190.00 U.S. Currency, Melrose Park, IL, Urbina, Oracio, 08/08/05
05-DEA-456012, 1966 Ford Thunderbird, 6Y832157760, Chicago, IL, Webb, Steve, 08/08/05

05-DEA-456141, \$2,250.00 U.S. Currency, Niles, IL, Aredondo Jr, Jesus, 08/08/05
05-DEA-456177, 1997 Infiniti QX4 SUV, JNAR05Y9VW013052, Melrose Park, IL, Aredondo Jr, Jesus, 08/08/05

05-DEA-456224, \$49,340.00 U.S. Currency, Chicago, IL, Velazquez-Salgado, Carlos, 08/17/05

05-DEA-456237, \$9,975.00 U.S. Currency, East St. Louis, IL, Williams, Kevin L., 07/29/05

05-DEA-456501, 2000 Chevrolet Tahoe SUV, 1GNEC13176Y147638, Fairview Heights, IL, Haten, Joann, 08/02/05

05-DEA-456536, \$72,170.00 U.S. Currency, Collinsville, IL, Haler, Joann, 08/02/05

05-DEA-456560, \$43,060.00 U.S. Currency, East Chicago, IN, Reyna, John, 07/27/05

05-DEA-456116, \$4,817.00 U.S. Currency, Anderson, IN, Bailey, Jason, 08/12/05

05-DEA-456124, \$58,905.00 U.S. Currency, Junction City, KS, Boyd, George Arnold and Grubbs, Alejandro, 08/23/05

05-DEA-455889, \$2,895.00 U.S. Currency, Nicholasville, KY, Giles, James Douglas AKA Giles II, James Douglas AKA Giles, Doug, 09/09/05

05-DEA-456018, \$4,208.00 U.S. Currency, Chicago, IL, Fimmers, Brian, 07/11/05

05-DEA-456261, \$37,010.00 U.S. Currency, St. Charles, MO, Fimmers, Brian, 07/11/05

05-DEA-456264, \$38,965.00 U.S. Currency, St. Charles, MO, Fimmers, Brian, 07/11/05

05-DEA-455492, \$3,000.00 U.S. Currency, Park Hills, MO, Radford, John, 07/28/05

05-DEA-456514, 1998 Ford Expedition, 1FMRU18W6W14A2640, Rolla, MO, Valencia, Fernando, 07/25/05

05-DEA-456514, \$2,216.00 U.S. Currency, St. Louis, MO, Hicks, Gary Allen, 08/04/05

05-DEA-456525, 2002 Harley Davidson 883 Sportster, 1H04CKM142K143403, Jefferson City, MO, Strouse, Nikki Fujiko and Rodebaugh, Rodney Keith, 07/29/05

05-DEA-456527, 2002 GMC Yukon, 1GKEK13Z2X263999, Jefferson City, MO, Rodebaugh, Rodney Keith and Strouse, Nikki Fujiko, 07/29/05

05-DEA-456530, 1964 Ford Falcon, 4H17F198693, Jefferson City, MO, Rodebaugh, Rodney Keith and Strouse, Nikki Fujiko, 07/29/05

05-DEA-456528, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

05-DEA-456608, \$17,715.00 U.S. Currency, Pass Christian, MS, Perez, Rudy, 08/16/05

Bronx, NY, Marlineau, Philippe, 08/10/05
05-DEA-456026, \$322,610.00 U.S. Currency, Bronx, NY, Valentin, Rolando, 08/15/05
05-DEA-456093, \$6,995.00 U.S. Currency, Bronx, NY, Chester, Jamie, 08/04/05

05-DEA-455935, 2000 Chevrolet Blazer, 1GNCT18W4YK237682, Cheektowaga, NY, Jackson, Michael Ray, 07/12/05

05-DEA-454941, 2000 Cadillac Deville, 1G6KF579YU245381, Buffalo, NY, Jones, Martellus, 07/12/05

05-DEA-454945, 2000 Mercedes-Benz E Class, WDBJF65J8YB127570, Buffalo, NY, Parker, Randall, 07/12/05

05-DEA-455452, \$2,275.00 U.S. Currency, Amherst, NY, Kats, Vladislav, 08/08/05

05-DEA-455803, \$4,431.00 U.S. Currency, Cheektowaga, NY, Labombard Jr, Kenneth L., 08/15/05

05-DEA-455988, \$2,450.00 U.S. Currency, Rochester, NY, Rosado, Nestor, 08/16/05

05-DEA-456013, \$6,689.00 U.S. Currency, Rochester, NY, Hall, Brittany, 08/16/05

05-DEA-456019, \$2,796.00 U.S. Currency, Rochester, NY, Odum, Terrance, 08/18/05

05-DEA-456054, 2000 Harley Davidson Heritage Motorcycle, 1H0D18RY1XY056880, Gerry, NY, Kiendi, Stephen R., 08/17/05

05-DEA-456170, \$5,492.00 U.S. Currency, Rochester, NY, Neary, Gerald, 08/08/05

05-DEA-455941, \$7,122.00 U.S. Currency, El Segundo, CA, Manzella, Pedro, 07/01/05

05-DEA-456099, Washington Mutual Bank, Account #87-383407-8, VL: \$19,643.38, El Segundo, CA, Manzella, Alejandra, 07/10/05

05-DEA-456091, Washington Mutual Bank, Account #894-284151-2, VL: \$9,000.00, Los Angeles, CA, Washington Mutual Bank, 07/10/05

05-DEA-456091, Washington Mutual Bank, Account #894-284151-2, VL: \$9,000.00, Los Angeles, CA, Washington Mutual Bank, 07/10/05

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05-DEA-456091, Washington Mutual Bank, Account #894-284151-2, VL: \$9,000.00, Los Angeles, CA, Washington Mutual Bank, 07/10/05

05-DEA-456091, Washington Mutual Bank, Account #894-284151-2, VL: \$9,000.00, Los Angeles, CA, Washington Mutual Bank, 07/10/05

date just) with diamond studded bezel and bracelet; (1) 14k gold cross with diamonds and gold chain with diamonds; (1) White gold cross with diamonds & 42" white gold chain; (1) White gold tennis bracelet with diamonds; (1) 18k white gold men's ring with 1.1ct trillion cut diamond and miscellaneous smaller diamonds; (1) 1.10ct trillion cut diamond stud earring; (1) Men's gold colored stainless steel Technora diamond sludded watch with two extra clasps, Laveen, AZ, Torrence, Dujuan Deon AKA Devo, 07/18/05

05-DEA-455877, \$76,747.00 U.S. Currency, Phoenix, AZ, Coleman, Marcus Donell, 07/27/05

05-DEA-455882, \$120,233.00 U.S. Currency, Phoenix, AZ, Wheeler, Ramon Jovad, 07/27/05

05-DEA-455883, \$89,110.00 U.S. Currency, Phoenix, AZ, Barnard, Latoya Tanisha, 08/02/05

05-DEA-455883, \$89,110.00 U.S. Currency, Phoenix, AZ, Barnard, Latoya Tanisha, 08/02/05

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05-DEA-455883, \$89,110.00 U.S. Currency, Phoenix, AZ, Barnard, Latoya Tanisha, 08/02/05

Checks #728496320 and #728496321, Account #102000979:6800728496321, VL: \$55,000.00, Russell, KS, Berges, Reen, 07/07/05

05-DEA-455619, \$1,460.00 U.S. Currency, Lexington, KY

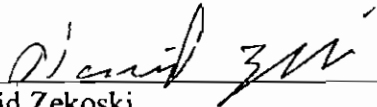


U. S. Department of Justice
Drug Enforcement Administration

Asset ID: 05-DEA-456249 Case #: R3-05-0037
Asset Description: 1955 Ford Thunderbird
Vehicle ID#: P5FH235863
Seizure Date: 08/09/05 Seizure Value: \$20250.00
Seizure Place: East Palo Alto, CA
Owner Name: Nathaniel Willie Gardner
Seized From: Nathaniel Willie Gardner AKA Nathan Willie Gardner
Judicial District: Northern District of California

DECLARATION OF FORFEITURE

The above-described property has been seized by agents of the **DRUG ENFORCEMENT ADMINISTRATION** pursuant to 21 U.S.C. Section 881. Notice of the seizure has been sent to all known parties who may have a legal or possessory interest in the property. Also, in accordance with 19 U.S.C. Section 1607, notice of the seizure has been published and no claim has been filed for the property within 30 days from the date of last publication of the advertisement. On this date, I have examined this matter, and found that there was sufficient information to support the forfeiture of this property. **THEREFORE**, it is hereby declared that such property is forfeited to the United States pursuant to 19 U.S.C. Section 1609.



David Zekoski
Senior Attorney
Asset Forfeiture Section

Date **MAR 03 2008**

EXHIBIT


4

-2-

Asset ID: 05-DEA-456249 Case #: R3-05-0037
Asset Description: 1955 Ford Thunderbird
Vehicle ID#: PSFH235863
Seizure Date: 08/09/05 Seizure Value: \$20250.00
Seizure Place: East Palo Alto, CA
Owner Name: Nathaniel Willie Gardner
Seized From: Nathaniel Willie Gardner AKA Nathan Willie Gardner
Judicial District: Northern District of California

cc: DO: San Francisco
RO:
USMS: San Francisco

DEA.294 (JAN. 01)

By: LR 

Ad Code #: 837

LAW OFFICES OF
JOSEPH D. O'SULLIVAN

WALTER C. COOK

1500 20TH STREET
SAN FRANCISCO, CALIFORNIA 94107
TELEPHONE (415) 920-0423
FAX (415) 920-0427

September 15, 2006

Agent Bruce Balzano, DEA
UNITED STATES DRUG ENFORCEMENT ADMINISTRATION
SAN FRANCISCO FIELD DIVISION
PO Box 36035
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Nathan Gardner; Return of Property

Dear Agent Balzano:

I am Joseph D. O'Sullivan attorney for Nathan Gardner, this letter is in regards to a search and seizure which took place on August 9, 2005. The DEA was part of the task force which executed the warrant, the information I have indicates you were present and participated in the search and seizure, in a leadership capacity.

The search and seizure I am referring to took place at 1396 Camellia Drive in the city of East Palo Alto, California. During the operation my client had \$8,340.00 and a 1955 Ford T-Bird automobile seized. We are now seeking return of his property.

It has been over a year since Mr. Gardner's property was seized, no charges have been filed against Mr. Gardner in relation to the execution of the warrant or the seizure of his property. Mr. Gardner has not been served with notice of any forfeiture proceedings, therefore, we demand the immediate return of the money and the car, or, that we be provided the legal basis for holding Mr. Gardner's property.

Would you please contact me so we can make arrangements for the return of Mr. Gardner's property.

Very truly yours,

[Signature]
Joseph D. O'Sullivan

JDO:mnd

cc: Javier F. Pena, Special Agent Incharge

EXHIBIT

5



**U. S. Department of Justice
Drug Enforcement Administration**

www.dea.gov

OCT 19 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

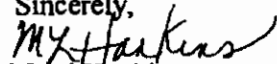
Joseph D. O'Sullivan
Attorney at Law
1500 20th Street
San Francisco, CA 94107

RE: DEA Case No. R3-05-0037
 Asset ID No. 05-DEA-456249
 Property: 1955 Ford Thunderbird
 Asset ID No. 05-DEA-456253
 Property: \$8,500.00 U.S. Currency
 Client: Nathaniel Willie Gardner

Dear Mr. O'Sullivan:

This letter responds to your correspondence dated September 15, 2006, regarding the above-referenced seizures. The Drug Enforcement Administration (DEA) attempted notice of seizure at your client's address and the notice letter was returned to the DEA (see attached). The last date for your client to file a claim for the return of the seized property was **November 9, 2005**. Therefore, your client's correspondence is untimely filed as a claim and is hereby returned to you. A Petition for Remission or Mitigation of Forfeiture may be filed until such time as the property has been forfeited and disposed of in accordance with law. Please be advised that Asset ID 06-DEA-456249 was forfeited to the United States Government on March 3, 2006, and disposed of on May 13, 2006. Also note that Asset ID 06-DEA-456253 was forfeited to the United States Government on December 1, 2005, and disposed of on December 7, 2005.

This matter is now closed in this office. No further correspondence will be considered regarding the above-referenced seizure.

Sincerely,

Merri Hankins
Senior Attorney
Asset Forfeiture Section

Enclosure

EXHIBIT

6



**U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

Nathaniel Willie Gardner aka Nathan Willie Gardner
1396 Camellia Dr
East Palo Alto, CA 94303-2631

Asset Id:	05-DEA-456249
Case Number:	R3-05-0037
Property:	1955 Ford Thunderbird
Vehicle ID No:	P5FH235863
Asset Value:	\$20,250.00
Seizure Date:	08/09/05
Seizure Place:	East Palo Alto, CA
Owner Name:	Gardner, Nathaniel Willie
Seized From:	Gardner, Nathaniel Willie Gardner AKA Nathan Willie
Judicial District:	Northern District of California

NOTICE MAILING DATE: September 13, 2005

NOTICE OF SEIZURE

The above-described property was seized by Special Agents of the Drug Enforcement Administration (DEA) for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). The seizure date and place, as well as other pertinent information regarding the property are listed above.

Pursuant to Title 18, U.S.C., Section 983 and Title 19, U.S.C., Sections 1602-1619, procedures to administratively forfeit this property are underway. You may petition the DEA for return of the property or your interest in the property (remission or mitigation), and/or you may contest the seizure and forfeiture of the property in Federal court. You should review the following procedures very carefully.

TO REQUEST REMISSION OR MITIGATION OF FORFEITURE

If you want to request the remission (pardon) or mitigation of the forfeiture, you must file a petition for remission or mitigation with the Forfeiture Counsel of the DEA within thirty (30) days of your receipt of this notice. The petition must include proof of your

interest in the property and state the facts and circumstances which you believe justify remission or mitigation. The regulations governing the petition process are set forth in Title 28, Code of Federal Regulations, Part 9.

TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfeiture Counsel of the DEA by October 18, 2005. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f),

release of the seized property during the pendency of the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the claimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or criminal - even if such a proceeding has already been commenced or is commenced in the future.

WHERE TO FILE CORRESPONDENCE

All submissions must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. A PETITION, CLAIM, OR OTHER CORRESPONDENCE WILL BE DEEMED FILED WHEN ACTUALLY RECEIVED BY THE DEA ASSET FORFEITURE SECTION IN ARLINGTON, VIRGINIA. SUBMISSIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS WILL NOT BE ACCEPTED. The Asset Id referenced above should be used with all submissions. Failure to include the Asset ID may cause a delay in processing your submission(s).

Forfeiture Counsel
 Asset Forfeiture Section, OMA
 Drug Enforcement Administration
 HQs Forfeiture Response
 P.O. Box 1475
 Quantico, Virginia 22134-1475

RECEIVED
 ASSET FORFEITURE SECTION
 OCT 17 AM 11:48

1st
 2nd
 3rd

Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631

X-RAYED

OCT 14 2005

DEA/QUANTICO

9-28-05
 10-02-05
 Return



7005 0390 0001 6983 0320

94303+2631-96

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

Asset ID: 00-92A-43079
 Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631



05-456249-0020

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

- 3. Service Type
☒ Certified Mail ☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
- 4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. 7005 0390 0001 6983 0320 **837**

PS Form 3811, February 2005 Edition

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark

Item No.

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City, State, ZIP+4

Mailing label (PS Form 3840, 10/03)

See Reverse for Instructions

0320 6983 0001 6983 0320



**U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

Nathaniel Willie Gardner aka Nathan Willie Gardner
1396 Camellia Dr
East Palo Alto, CA 94303-2631

Asset Id:	05-DEA-456253
Case Number:	R3-05-0037
Property:	\$8,500.00 U.S. Currency
Asset Value:	\$8,500.00
Seizure Date:	08/09/05
Seizure Place:	East Palo Alto, CA
Owner Name:	Gardner, Nathaniel Willie
Seized From:	Gardner, Nathaniel Willie Gardner AKA Nathan Willie
Judicial District:	Northern District of California

NOTICE MAILING DATE: September 13, 2005

NOTICE OF SEIZURE

The above-described property was seized by Special Agents of the Drug Enforcement Administration (DEA) for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). The seizure date and place, as well as other pertinent information regarding the property are listed above.

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Forfeiture Counsel
 Asset Forfeiture Section, OMA
 Drug Enforcement Administration
 HQs Forfeiture Response
 P.O. Box 1475
 Quantico, Virginia 22134-1475

RECEIVED
 ASSET FORFEITURE SECTION
 2005 OCT 17 AM 11:48

Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631

9-28
 10-22-05

94303+2631

CERTIFIED MAIL



7005 0390 0001 6983 0337

X-RAYED
 OCT 14 2005
 DEAIQUANTICO

157

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To

Street, Apt. No.,
 or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece or on the front if space permits.

Asset #1: 08-JCA-45431

Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

5-456253-0023

7005 0390 0001 6983 0337

837

102505-02-06-1540

Return Receipt

LAW OFFICES OF
JOSEPH D. O'SULLIVAN

WALTER C. COOK

1500-20TH STREET
SAN FRANCISCO, CALIFORNIA 94107
TELEPHONE (415) 920-0423
FAX (415) 920-0427

September 15, 2006

Agent Bruce Balzano, DEA
UNITED STATES DRUG ENFORCEMENT ADMINISTRATION
SAN FRANCISCO FIELD DIVISION
PO Box 36035
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Nathan Gardner, Return of Property

Dear Agent Balzano:

I am Joseph D. O'Sullivan attorney for Nathan Gardner, this letter is in regards to a search and seizure which took place on August 9, 2005. The DEA was part of the task force which executed the warrant, the information I have indicates you were present and participated in the search and seizure, in a leadership capacity.

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Would you please contact me so we can make arrangements for the return of Mr. Gardner's property.

Very truly yours,


Joseph D. O'Sullivan

JDO:mnd

cc: Javier F. Pena, Special Agent Incharge

7004 2510 0001 0972 0855

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Certified Fee	
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
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Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, June 2002	
See Reverse for Instructions	



K. Johnson

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

(R3)05-DEA-456249
 05-DEA-456253
 Joseph D. O'Sullivan
 Attorney at Law
 1500 20th Street
 San Francisco, CA 94107

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0001 0972 0855

B44-B16

LAW OFFICES OF
JOSEPH D. O'SULLIVAN

WALTER C. COOK

1500-20TH STREET
SAN FRANCISCO, CALIFORNIA 94107
TELEPHONE (415) 920-0423
FAX (415) 920-0427

November 16, 2007

The Forfeiture Counsel
Asset Forfeiture Section
DEA/HEADQUARTERS
Forfeiture Response
P.O. Box 1475
Quantico, VA 22134-1475

Fax and Mail (202) 307-4490

RE: DEA Case No. R3-05-0037
Asset ID No. 05-DEA-456249
Property: 1955 Ford Thunderbird
Asset ID No. 05-DEA-456253
Property: \$8,500.00 U.S. Currency
Our Client: Nathaniel Willie Gardner

Dear Madam/Sir:

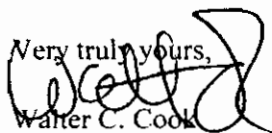
This will confirm that this office represents Mr. Nathaniel Gardner, and that we are currently assisting him in obtaining the return of his property which is cited above.

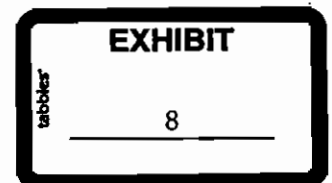
We understand that the DEA sent out a notice of forfeiture to him, that it was returned by the DEA as undeliverable, and that thereafter the property was disposed of. We question whether the DEA took all necessary steps required by law before it converted the property.

Therefore, please consider this a formal request for a copy of the following documents:

1. Any and all notices that were sent to Mr. Gardner regarding the above property;
2. Any and all notifications from the United States Postal Service that any notices sent by the DEA were not delivered to Mr. Gardner but were returned to the DEA;
3. Any and all attempts to serve Mr. Gardner with notice through publication or the like;
4. Any proof of actual service of a notice of forfeiture upon Mr. Gardner; and
5. Proof that Mr. Gardner's property was sold at a public auction after giving due notice of its availability for bid by the public.
6. Any and all documents relating to the above property in your possession, custody or control that Mr. Gardner is entitled to.

Thank you in advance for your cooperation in this matter. If you have any questions or a need to discuss this matter please contact Mr. O'Sullivan or the undersigned at the above address and/or telephone number.

Very truly yours,

Walter C. Cook



LAW OFFICES OF
JOSEPH D. O'SULLIVAN
1500-20TH STREET
SAN FRANCISCO, CALIFORNIA 94107-2809

SAN FRANCISCO CA 941

16 NOV 2007 PM 6 L

X-RAYED

2007 NOV 19 AM 10:29

DEPARTMENT

The Forfeiture Counsel
Asset Forfeiture Section
DEA/HEADQUARTERS
Forfeiture Response
P.O. Box 1475
Quantico, VA 22134-1475

22134+1475

22134+1475





U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

DEC 27 2007

VIA Certified Mail-Return Receipt Requested
Joseph D. O'Sullivan
Attorney at Law
1500 20th Street
San Francisco, CA 94107

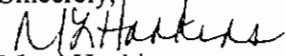
RE: DEA Case No. R3-05-0037
Asset ID No. 05-DEA-456249
Property: 1955 Ford Thunderbird
Asset ID No. 05-DEA-456253
Property: \$8,500
Client: Nathaniel Willie Gardner

Dear Mr. O'Sullivan,

The Drug Enforcement Administration is in receipt of your letter dated November 16, 2007, requesting additional documentation (enclosed). Any further request for information from your client must fully comply with the Freedom of Information Act provisions. See 5 U.S.C. 522, the Privacy Act of 1974 (5 U.S.C. 522(a)), and 28 C.F.R. Part 16 (2006).

Please send any additional requests for information to FOIA Section, Drug Enforcement Administration, 8701 Morrisette Drive, Springfield, VA 22152.

Sincerely,


Merri Hankins
Senior Attorney

Enclosure

EXHIBIT

tabbies
9

LAW OFFICES OF
JOSEPH D. O'SULLIVAN

WALTER C. COOK

1500-20TH STREET
SAN FRANCISCO, CALIFORNIA 94107

TELEPHONE (415) 920-0423

FAX (415) 920-0427

November 16, 2007

The Forfeiture Counsel
Asset Forfeiture Section
DEA/HEADQUARTERS
Forfeiture Response
P.O. Box 1475
Quantico, VA 22134-1475

Fax and Mail (202) 307-4490

RE: DEA Case No. R3-05-0037
Asset ID No. 05-DEA-456249
Property: 1955 Ford Thunderbird
Asset ID No. 05-DEA-456253
Property: \$8,500.00 U.S. Currency
Our Client: Nathaniel Willie Gardner

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6. Any and all documents relating to the above property in your possession, custody or control that Mr. Gardner is entitled to.

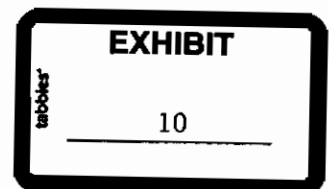
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Very truly yours,

Walter C. Cook

7007 1490 0002 0375 5491

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OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To	
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City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	



**U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION**

Nathaniel Willie Gardner aka Nathan Willie Gardner
1396 Camellia Dr
East Palo Alto, CA 94303-2631

Asset Id:	05-DEA-456253
Case Number:	R3-05-0037
Property:	\$8,500.00 U.S. Currency
Asset Value:	\$8,500.00
Seizure Date:	08/09/05
Seizure Place:	East Palo Alto, CA
Owner Name:	Gardner, Nathaniel Willie
Seized From:	Gardner, Nathaniel Willie Gardner AKA Nathan Willie
Judicial District:	Northern District of California

NOTICE MAILING DATE: September 13, 2005

NOTICE OF SEIZURE

The above-described property was seized by Special Agents of the Drug Enforcement Administration (DEA) for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). The seizure date and place, as well as other pertinent information regarding the property are listed above.

Pursuant to Title 18, U.S.C., Section 983 and Title 19, U.S.C., Sections 1602-1619, procedures to administratively forfeit this property are underway. You may petition the DEA for return of the property or your interest in the property (remission or mitigation), and/or you may contest the seizure and forfeiture of the property in Federal court. **You should review the following procedures very carefully.**

TO REQUEST REMISSION OR MITIGATION OF FORFEITURE

If you want to request the remission (**pardon**) or mitigation of the forfeiture, you must file a petition for remission or mitigation with the Forfeiture Counsel of the DEA within thirty (30) days of your receipt of this notice. The petition must include proof of your

interest in the property and state the facts and circumstances which you believe justify remission or mitigation. The regulations governing the petition process are set forth in Title 28, Code of Federal Regulations, Part 9.

TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfeiture Counsel of the DEA by **October 18, 2005**. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f),

release of the seized property during the pendency of the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the claimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or criminal - even if such a proceeding has already been commenced or is commenced in the future.

WHERE TO FILE CORRESPONDENCE

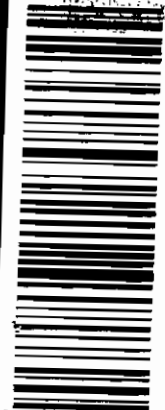
All submissions must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475.

Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. **A PETITION, CLAIM, OR OTHER CORRESPONDENCE WILL BE DEEMED FILED WHEN ACTUALLY RECEIVED BY THE DEA ASSET FORFEITURE SECTION IN ARLINGTON, VIRGINIA. SUBMISSIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS WILL NOT BE ACCEPTED.** The Asset Id referenced above should be used with all submissions. Failure to include the Asset ID may cause a delay in processing your submission(s).

EXHIBIT

11

CERTIFIED MAIL™



7005 0390 0001 6983 0337

Forfeiture Counsel
 Asset Forfeiture Section, OMA
 Drug Enforcement Administration
 HQs Forfeiture Response
 P.O. Box 1475
 Quantico, Virginia 22134-1475

RECEIVED
 ASSET FORFEITURE SECTION
 2005 OCT 17 AM 11:48



02 16 0004205510 SEP 13 2005

X-RAYED

OCT 14 2005

DEA/QUANTICO

Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631

152

9-28
 Return 10-22-05

34303+2631

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the envelope so that we can return the card to you.
- ☒ Attach this card to the back of the mail piece, or on the front if space permits.

Asset ID: 05-DEA-456233

Nathaniel Willie Gardner
 1396 Camellia Dr
 East Palo Alto, CA 94303-2631



05-456253-0023

2. A

7005 0390 0001 6983 0337

Return Receipt

102595-02-44-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

837

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

EXHIBIT

12



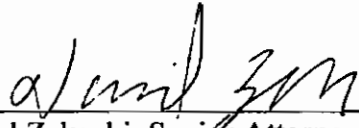
U. S. Department of Justice
Drug Enforcement Administration

Asset ID: 05-DEA-456253 Case #: R3-05-0037
Asset Description: \$8,500.00 U.S. Currency

Seizure Date: 08/09/05 Seizure Value: \$8500.00
Seizure Place: East Palo Alto, CA
Owner Name: Nathaniel Willie Gardner
Seized From: Nathaniel Willie Gardner AKA Nathan Willie Gardner
Judicial District: Northern District of California

DECLARATION OF FORFEITURE

The above-described property has been seized by agents of the **DRUG ENFORCEMENT ADMINISTRATION** pursuant to 21 U.S.C. Section 881. Notice of the seizure has been sent to all known parties who may have a legal or possessory interest in the property. Also, in accordance with 19 U.S.C. Section 1607, notice of the seizure has been published and no claim has been filed for the property within 30 days from the date of last publication of the advertisement. On this date, I have examined this matter, and found that there was sufficient information to support the forfeiture of this property. **THEREFORE**, it is hereby declared that such property is forfeited to the United States pursuant to 19 U.S.C. Section 1609.



David Zekoski, Senior Attorney
Asset Forfeiture Section

Date DEC 01 2005

EXHIBIT

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-2-

Asset ID: 05-DEA-456253 Case #: R3-05-0037
Asset Description: \$8,500.00 U.S. Currency

Seizure Date: 08/09/05 Seizure Value: \$8500.00
Seizure Place: East Palo Alto, CA
Owner Name: Nathaniel Willie Gardner
Seized From: Nathaniel Willie Gardner AKA Nathan Willie Gardner
Judicial District: Northern District of California

cc: DO: San Francisco
RO:
USMS: San Francisco

DEA.294 (JAN. 01)

By: AWB/ME Ad Code #: 837